

FREEDOM OF INFORMATION ACT REQUEST HQ-FOI-01979-12

REQUESTER: Jeff Wojahn

Request Date: September 11, 2012

COMPANY: Encana Oil & Gas (USA) Inc.

Received Date: September 12, 2012

FEE Category: Commercial

Subject: Requesting various categories of documents related to EPA's Pavillion Field work.

Due Date: October 11, 2012

ASSIGNMENTS:

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FOIA Request - Letter from Jeff E. Wojahn at Encana

Cynthia Gaines to: FOIA HQ

Cc: Jonathan Newton

09/11/2012 06:40 PM

FOIA staff,

Please review the below attachment to determine if the incoming letter from Encana should be handled as a FOIA request. Please let me know if you have any questions or concerns. Thanks.



- 12-001-4938.pdf

Cynthia A. Gaines

Correspondence Specialist

Office of the Executive Secretariat

U.S. Environmental Protection Agency

202-564-1788

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HQ-FOI-1979-12

encana.

natural gas

September 6, 2012

The Honorable Lisa P. Jackson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: EPA's Pavillion Field Investigation

Dear Ms. Jackson:

Following our last conversations and correspondence, in March 2012, EPA extended the public comment period on its draft report on Pavillion Field to October 16, 2012. Later this spring, with some involvement from the United States Geological Survey ("USGS") and the State of Wyoming, EPA undertook further water quality sampling in Pavillion Field. Meanwhile, Encana Oil & Gas (USA) Inc. ("Encana") still has not received many of the documents covered by Encana's December 2011 Freedom of Information Act ("FOIA") requests. As a result of these developments, and due to the importance of these matters, we respectfully request clarification of certain matters relating to EPA's Pavillion Field activities.

Encana's FOIA requests seek various categories of documents related to EPA's Pavillion Field work. While we acknowledge that a substantial amount of the requested information has been made publicly available, EPA still has not provided key technical data and information. Further, Encana has received no documents responsive to Encana's request for intra- and inter-agency communications or communications with third-parties. We understand that EPA is trying to make these documents available by September 27, 2012, but will not commit to that date for delivery. EPA has also declined to produce these communications on a rolling basis. The anticipated delay in making these documents publicly available jeopardizes the ability of Encana and others to provide meaningful comments to EPA's Draft Report by October 16, 2012.

We are concerned that EPA and USGS efforts have not been properly coordinated. We also do not know if the agencies intend to provide a single or multiple interpretations of the new data and whether such data will be integrated into a revised version of the December 2011 Draft Report.

It also remains unclear whether the October 16, 2012 public comment deadline will be extended to provide Encana and the public with the opportunity to comment on the new data and information provided by EPA in advance of the peer review. Given these circumstances, we would respectfully request clarification concerning whether EPA intends to extend the October 16, 2012 comment deadline in light of the need to integrate the new analytical data and to make public all of the information Encana and others have sought relating to EPA's activities in Pavillion Field. We would also respectfully request clarification concerning how EPA intends to manage the process to ensure that the peer review panel has the benefit of the public's input on the new data, as well as the agencies' interpretation of that data.

Encana Oil & Gas (USA) Inc.
Republic Plaza
370 - 17 Street, Suite 1700
Denver, Colorado
United States 80202
t 303 623 2300
f 303 623 2400
www.encana.com


EPAPAV0001754

The Honorable Lisa P. Jackson
September 6, 2012
Page 2

In addition, we note that Dr. Paul Anastas' February 14, 2012 letter to Encana states that the peer review of the Pavillion Field information "is being treated by the EPA as if it were a HISA for the purposes of the peer review." Please confirm that EPA still intends to comply with all HISA requirements for its peer review of the Pavillion Field investigation. The question arises for two reasons: EPA has not officially designated this peer review as a HISA, and EPA's June 12, 2012 response to the House Science Committee's Subcommittee on Energy and Environment suggests that EPA may be backing off this commitment in certain respects, particularly relating to the HISA requirement for a panel report.

We look forward to your early response clarifying the matters addressed in this letter given the approaching deadlines.

Sincerely,
ENCANA OIL & GAS (USA) INC.



Jeff E. Wojahn
President

CC Mr. James B. Martin, Administrator, U.S. Environmental Protection Agency, Region 8

encana

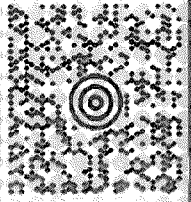

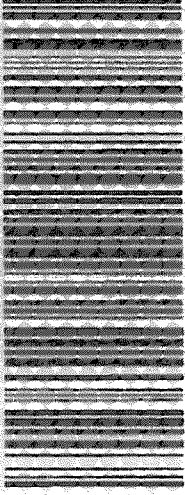

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